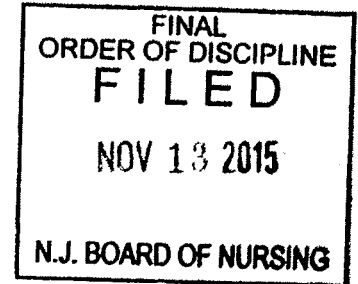
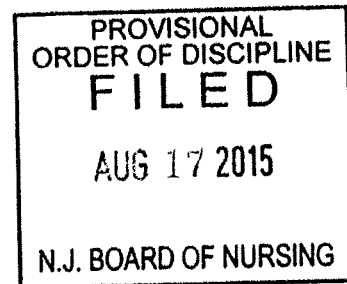


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	PROVISIONAL ORDER
	:	OF DISCIPLINE
VANESSA DAVID, L.P.N.	:	
License # 26NP 07110600	:	<input checked="" type="checkbox"/> FINAL ORDER
	:	OF DISCIPLINE
	:	(Finalized by default
TO PRACTICE NURSING IN THE	:	on <u>November 13, 2015</u>)
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. The Board received a complaint dated December 10, 2014 from Star Pediatric Home Care, alleging that respondent was providing private duty nursing services on December 2, 2014, and a number of morphine doses were reported missing from a patient's medication bottle by the nurse who came on shift after respondent. Respondent was then, according to the certified complaint, sent for drug screening, and the report came back positive for opiates. According to the complaint, respondent is prescribed Percocet, and the lab would not reveal which opiate she tested positive for; however the lab revealed that she did not test positive for a prescription medication. (Exhibit A)

3. On or about May 8, 2015, a letter of inquiry about the complaint issued on behalf of the Board and was sent to respondent by certified and regular mail at her address of record. (Exhibit B)

4. Respondent replied to the inquiry, denying diversion of the patient's morphine, but acknowledging that she took a morphine pill that belonged to her own mother for her own use, because of pain she was experiencing caused by her employment. (Exhibit C)

CONCLUSIONS OF LAW

1. The complaint from Star Pediatric, in the form of a signed certification, which indicates that a patient's morphine medication was missing after respondent provided home care for that patient, and that respondent subsequently tested positive for opiates, is a sufficient basis for the Board to order respondent, as a condition for continued licensure, to undergo evaluation and monitoring to verify that her continued practice as a nurse does not place the public at risk. See N.J.S.A. 45:1-22(f).

2. Similarly, respondent's admission that she took a morphine pill that had not been prescribed for her adds substance to the basis for invoking N.J.S.A. 45:1-22(f).

ACCORDINGLY, IT IS on this 17th day of August, 2015,
ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in
this matter:

1. Respondent is hereby ordered pursuant to N.J.S.A. 45:1-22(f) to enroll in the Recovery and Monitoring Program of New Jersey (RAMP) for evaluation and monitoring to demonstrate that her continued practice as a nurse does not place the public at risk.

2. If respondent has not enrolled in RAMP within thirty (30) days of the filing of a Final Order of Discipline in this matter, respondent shall be deemed in violation of this order within the

intendment of N.J.A.C. 13:45C-1.4, and shall be subject to sanctions.

3. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, State Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

4. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

5. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an

evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

6. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN
Patricia Murphy, PhD, APN
Board President